NEUTRALS- 5.

1.	Mr. Kochikal P. Balakrishnan Tampi	4.	Mr. Abdul Tayeb Shaikh Kháder Bhay
2.	„ A. Eswara Pillai	5.	„ G. Narayana Aiyar
3.	„ M. Govindan.		

The resolution was declared lost, 12 voting *for* the resolution 17 *against* and 5 remaining *neutral*.

REPEAL OF THE NEWSPAPERS REGULATION.

Mr. K. R. Elankath: Sir, I beg to move the following resolution :

> "This Council recommends to the Government that the Travancore Newspapers Regulation be repealed."

This is a resolution which in point of importance can claim first rate prominence in a representative legislative body of any State. Both in principle and in point of practical utility, I do not see such a penal regulation, very vaguely worded as it is, should be retained in the statute book of this enlightened State to fetter the freedom of expressing public opinion. So far as the penal clauses in the Regulation are concerned I find that there are clauses tantamount to it in the Travancore Penal Code, except in one particular. That is with regard to the dissemination of false news by the press.

One of the most important clauses *viz.* clause 5 deal with promoting of hatred, contempt or disaffection against the Government of His Highness the Maharaja. Of course it is the desire of this House as any other House to prevent the spreading of false news as well as seditious statements. There is Section 117 in the Penal Code to deal with persons who promote hatred, contempt or disaffection against the Government. Why should a new clause be introduced into this with this difference, namely, that the executive is authorised to use its own powers without the matter being taken to a civil court and withdraw license issued to a newspaper or forfeiture of deposit.

As regards the creation of enmity between the various sections of the communities in the State there is a clause in the Penal Code, *viz.* Section 145 according to which action may be taken against the offender. As long as there are proper and requisite provisions in the Penal Code for dealing with cases of creating disaffection against Government as well as promoting enmity between communities, I do not see any necessity for a regulation containing practically few new provisions. It is unwarranted and superfluous. The Regulation of

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[Mr. K. R. Elankath.]

1101 has been amended in 1110 so far as the amount of the license fee is concerned. Whereas Rs. 500 was fixed for the preliminary license it is raised to Rs. 1,000 by the new amendment regulation and for a second license to be issued the maximum amount has been fixed as Rs. 2,500 as before. Is it right on the part of the Government to penalise poverty by fettering expression of free opinion through newspapers, by demanding deposits for getting licenses. I am not one who believes that making it obligatory on persons to deposit big amounts would in any way, conduce to the healthy and useful progress of the press. It is character, education and so many other considerations on the part of those who edit papers, that go to the creation and maintenance of a healthy public opinion through the press. If proper steps are to be taken against the discrimination of news, I would observe and suggest that there are other remedies against them. Those are voluntary. If Government, would watch with alertness the news columns of the papers and find that a particular paper indulges in disseminating false news they could issue press notes from time to time and say that such and such a news has been false and when a series of such press notes are issued against a particular newspaper the public will have no confidence in that paper and faith in the veracity of its statements. They will not believe any news that appear in that paper and its circulation will be affected. For the public there is a weapon which is voluntary and that is by a policy of boycotting papers that are indecently edited. Even with the present Regulation, I do not think that all papers are conducting themselves properly. It is all the more discreditable to the Government that notwithstanding the possession of a strong weapon in its hands the local papers have been abusing their rights and defying the clauses in the Regulation. So instead of having a weapon in the hands of Gevernment which they have not been using and which acts as a slur or an insult to our Statute Book it would be much commendable on the part of the Government to declare that they have given complete freedom to the press. It is equally better and wholesome to leave it to the public to decide which papers should thrive and which should not. As for indulging in low and mean methods and corrupt practices it is my opinion that as among officials, and among non-officials also there are public men and newspapers which resort to such ways. A corrupt officer who pays an amount to the proprietor or editor of a paper is whitewashed; his faults are calculated and represented by that paper as a very good and model officer. In the same way, honest officers with courage of conviction and sense of responsibility, who decline to dance to

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the tune of some newspapers or do not subscribe to them or refuse to pay the newspaper authorities subsidies whenever they ask for are unfoundedly and unnecessarily found guilty and depicted as bad officers. So, it is the duty of the Government and the public to see that such papers do not exist.

In this connection I would make one suggestion. If Government find that any paper resorts to corrupt means and is edited by a person or persons with questionable character, they would do well to openly declare that the views and criticisms found in those papers will not be heeded to by the Government. In that case such papers will cease to exist for the public as well as the Government servants could not be exploited in the way as is being done by them nor. I know of papers thriving very well by the mercy of the subordinates of Government or rather by a blackmailing process adopted by editors. These officers do not either want or like those papers which they encourage. But because they fear that if they cease to subscribe to the paper and cease to subsidise them they will be found fault with, charged with unfounded offences even though they pay for these papers. So if the Government after a thorough investigation of particular cases will make a declaration that the news and criticisms found in such and such papers will not be heeded to, then there will be an automatic and inevitable end to those papers. The editors of such papers will be forced to stop them and will resort to some other occupation. When there are reasonable and constitutional ways for putting down bad papers by voluntary action why should a legislation which is unwarranted and which is calculated to disgrace the Statute Book be retained. It is the public more than the Government that are concerned with the papers. If there is a healthy public opinion it is the duty of every one to encourage good papers and decry bad ones. There is no use or propriety in leaving that power in the hands of the Government for it will do no good to the country but on the contrary conduce only to the enslavement of the press and work as a check to free and unbiased public opinion.

There is one other clause which I would oppose on point of principle. Why should the executive authority take into its hands direct action against the editors as regards the power of granting and cancelling of licenses. As far as license is concerned, there is a provision in the old Press Act, I mean the Press Act of 1079, which says that every paper which is published in the State should get itself registered, with the names of printer and publisher, the press where it is printed etc. The object of the Government, in this respect is to know who edits particular papers, from which press it is printed and other particulars and the old Press Act provides for

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. R. Elankath.]

that and there are the necessary rules on the matter. Why should Government then unnecessarily take into its hands executive authority and use their own discretion as to which paper should cease to exist and which should thrive. Is it not the public more than the Government who should encourage or discourage the press? Is it creditable to say that there is no freedom of speech in the State and the people are not allowed to express their views? If the views expressed are sober and if they emanate from persons of trust, responsibility and authority, of course, the public will take it to what worth it really deserves. So I would urge upon the Government to repeal this Regulation at the very earliest moment. This is a very auspicious time for it, for the power or authority of administration of the State to-day is vested by H. H. the Maharaja, in the hands of a distinguished journalist who was the editor of a widely circulated and first rate newspapers in India, I mean the "New India." I would implore you, Sir, as President and Dewan of the State to see that this Regulation is repealed and that the credit of that glorious and popular act should not be taken by any one else. With these words, I commend the resolution for the acceptance of the House.

Mr. Kochikal P. Balakrishnan Tampi: I support the resolution moved by my friend Mr. Elankath for the reasons very well explained by him. It is true that all is not well with our newspapers. It is very difficult to behave as an orderly citizen while reading some of the columns of these newspapers. Yet that is the very reason why I support this resolution. The Regulation has not, in any manner, improved the tone of the newspapers. On the other hand, there has been a distinct tendency to add more vice to newspapers. That is sycophancy. (Mr. K. R. Elankath, *hear, hear*). I am ashamed to read the newspaper reports of certain events which are certainly given simply to be in the good books of the Government. Very small minor matters are described at great length, not with the hope of catering to the needs of the reading public, but for behaving like a good boy under the Press Regulation. I do not want to go at length into the elementary principles of the freedom of the press. Certainly it is not creditable to Travancore when good things are said about the citizens of Travancore that this Press Regulation should be on the Statute Book. The state of this country, the state of education has, to be judged by outsiders by these things more than by broadcast and extension of the Trunk Telephone system. When all the newspapers are regulated by the executive, it is sure that there is no freedom of speech in this country. I only wonder why license of more newspapers is

LIBRARY ARCHIVES Kerala Legislative Assembly

not cancelled, because the powers under the Press Regulation are so very wide indeed. Then about the charge that newspapers are publishing false news. To indulge in a paradox, I know that nobody would go in for newspapers which do not contain a number of false news. Otherwise people would have gone in to read, say, Whitaker's Almanac, and the sheets of Travancore Government Gazette, which certainly contain only facts. No Sunday journals are being read by any large number of people. The newspapers of Great Britain and, more so, the newspapers in America are developing a sort of light gossipy side of things which we read in first class journals. They have developed a sort of journalism which indulges in surmises, hopes, fears which at times may come true, or at other times may not. To have a Democles Sword hanging above the head of a journalist is certainly very hard. No man who has an independence of spirit would care to be a journalist in Travancore.

Sir, that is a very great disadvantage so far as public opinion in Travancore is concerned, especially when we are emerging into a new age, when we are going to become a very important unit of the Federation. Then, to deny freedom of speech to the citizens of the State may not add credit to the name of our country. Moreover, I think that every healthy Government is benefited by impartial even hostile criticism. It is common knowledge that no Government is half so virtuous, half so excellent, as they pretend to be, nor half so bad as they are represented to be by the hostile Press. Instead of that, if newspaper men are singing fulsome praise without giving out useful suggestion and constructive criticisms, and at times, hostile criticisms any Government will stagnate and national progress will be hampered. Therefore, I heartily support the resolution moved by my friend Mr. K. R. Elankath.

Mr. Nedumangad R. Kesavan Nair: Sir, I have great pleasure in supporting this resolution moved by Mr. K. R. Elankath. It is an admitted fact that the liberty of a citizen should be safeguarded by the State as far as possible. And in the case of the Press which is expected to ventilate the grievances of the people it is all the more essential that its liberty and prestige should be kept in tact. I would say that the Press Regulation as it stands at present is superfluous since all the penal provisions that are provided in the Regulation are also provided in the Penal Code.

The penal provisions provided in the Press Regulation are Sections 5 and 7. No doubt, Government have to safeguard their interests in certain cases and when an editor or a journalist goes astray he has to be properly dealt with. If the penal law is imbecile or incapable of dealing with such a contingency one could understand the necessity of a Press Regulation. Sir, the present

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Nedumangad R. Kesavan Nair.]

Regulation was published in an issue of an extraordinary gazette. But now when our State has enacted many social legislations increase the liberty of the subjects, when it has advanced much in enlightenment, and when it has gained a worldwide reputation for the numerous beneficial measures that are being showered upon us, I ask are we justified in retaining this fettering Regulation in the Statute Book unnecessarily. Is there any necessity for it? The Press has been of late, as was pointed out by my honourable friend Mr. Balakrishnan Tampi, assuming a very docile attitude. I should say that it is not because of the Damocles' sword hanging above them, not because of the fettering provisions of the Newspaper Regulation itself but because of the feeling of responsibility and the sense of decency of the Press. The penal provisions provided in the Regulation are also amply provided in the other laws of the State. There are certain conditions imposed by this Regulation in the matter of granting licenses. Certainly it is imperative, inevitable and necessary. But what I say is, those provisions for the grant of licenses are already existing in the Regulation II of 1079. While that Regulation is in force without annulling that Regulation the Press Regulation of 1101 has been passed and provisions have been made to deal with certain persons who offend the law. The penal provisions are laid in Section 5 and Section 7 of the Regulation. No doubt there is also an ameliorative clause provided in the Regulation in the case of newspapers whose license has been cancelled, *i. e.*, a reference may be made to the High Court if the Government so wishes. That, I should say, is a sort of eyewash and nothing is granted by way of concession to an editor when the Government retains the whole power of exercising their discretion to decide whether a case should be referred to the High Court or not.

Mr. K. R. Elankath: May I know whether the power of the High Court is restricted in so far as they are not authorised to make observations on the propriety of the accusation?

Mr. Nedumangad R. Kesavan Nair: Yes Sir, I am coming to that.

Now simply because that ameliorative clause is provided in the Regulation it is by no means creditable to the State. To add to that the clause is somewhat limited in its nature so far as the discretion of the judiciary is concerned. If the Government considers what a certain passage from newspaper is offensive and the license of the particular Press is to be cancelled, I don't think that there is anything standing in their way to gain their ends and cancelling the

LIBRARY ARCHIVES Kerala Legislative Assembly

license arbitrarily. As far as our experience goes I can say that the High Court has never interfered in the matter. Taking the present Regulation as it is, I should say, that the provisions which take cognisance of the offensive nature of the passages in a paper, are not necessary as they are covered by Section 117 T. P. C. or Section 145 A of T. P. C.

Sir, there are cases in which the newspapers have gone astray before the passing of the Press Regulation. Were not the provisions in our Penal Code strong enough to deal with those cases. Were not editors convicted before the passing of this Regulation for their having gone astray? Was not the Press more dignified then than it is now? My point in making this observation before this House is to impress upon the Honourable Members that the Press Regulation is one which unnecessarily infringes upon the liberty of a citizen. When the penal law is not imbecile to deal with cases, and when we have got provisions in the Penal Code to check and regulate the conduct of persons in the matter of expressing their views this Regulation is quite unnecessary, and objectionable.

Moreover, Sir, this Regulation by certain of its provisions penalises poverty. Persons whose integrity of character, and honesty of convictions cannot be questioned are made unable to ventilate their views to the public which respect their opinions. They are told that they should deposit as license fee an amount fixed by Government, and when these persons are not in a position to command as much finance as are required for that purpose they are deprived of this right. If such a man applies for a license he is entirely at the mercy of Government so far as the license fee is concerned and more often it may be possible for Government to use this power as a weapon to fight against open criticims which may seem to them as hostile. If the Government chooses that he should not be given a license to publish a journal there is nothing to prevent them from doing so through certain means. It is the right of every man, rich or poor to ventilate his views. This Regulation does not allow that. It is another main objection why this Regulation should be repealed, and this sort of discretion to all intents and purposes which is arbitrarily vested in the Government should not be allowed to continue without any justification. If there is any necessity for fettering the liberty of a certain Press in the matter of expression of their views, Government can very well resort to the relevant provisions in the Penal Code. I know there are certain papers which require very severe scrutiny. Are there not other provisions, are there not other laws in our statute books to be resorted to under such circumstances.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Nedumangad R. Kesavan Nair.]

In this connection, I would simply invite the attention of the House to the penal provisions in this Regulation V of 1101 which are really superfluous. The Newspaper Regulation is after all a small Regulation. Section 5 of the Regulation deals with a contingency when the license may be cancelled. The license of a paper is cancelled under that section when the language of the paper attempts to create disloyalty to the Sovereign, or discontent among the people etc., as are described in Section 17 of the Penal Code. Without this Regulation would not the Penal Code work? Was not the Penal Code in existence prior to the passing of this Regulation?

Section 5 forms the gist of all the other Sections which follow.

Section 6 contemplates the renewal of already cancelled licenses. For the renewal of a license more restrictive measures are adopted in the provisions and the license fee is enhanced to considerable amounts according to the discretion of the Government.

Section 8 says that a license can be renewed if only the Government so thinks. Now an editor who comes and gets a renewal of his license after he has been condemned is placed in a more difficult situation. And this Section contemplates a contingency when the editor may be subsequently dealt with. So that including this Section 5 there is no other Section in this Regulation which is necessary in view of the fact that there are ample penal provisions in the Penal Code, to deal with the papers that are offensive.

There is also another circumstance which has to be looked into. Sir, it would be of interest to note that there was an occasion before the passing of this Regulation when the Government took to task a certain paper for promoting communal dissensions in the State. That case was dealt with under Section 115 A of the Penal Code. Was the Press Regulation then in existence? Was not the Government able to combat with the situation in spite of the absence of Press Regulation? Was not the Press having that amount of dignity and decorum before the passing of this Regulation. No doubt in some we find it lacking occasionally.

Mr. M. Govindan (*Nominated*): Is it because of the Newspaper Regulation that the decency and decorum of the newspapers have deteriorated?

Mr. Nedumangad R. Kesavan Nair I never said that the decorum of all newspapers has decreased at all.. What I said was that there were certain papers, there are and there would be certain papers which require special scrutiny by the Government.

LIBRARY ARCHIVES Kerala Legislative Assembly

That is a state of affairs which will continue for all time to come. Nothing is farther from my mind than to say that there has been a deterioration of the decorum of all newspapers.

Mr. G. Narayana Aiyar: May I know the number of instances in which Government have taken action under the Newspaper Regulation after it was enacted?

Mr. Nedumangad R. Kesavan Nair: Four or five times, so far as I am aware; and the High Court declined to interfere in spite of the powers conferred on them by the Regulation. Now coming to the Sections I may say that Section 7 is more or less a repetition of Section 5.

Section 8 enjoins the surrender of the copies of the newspaper dealt with by the Government. Sir, this does not require any special provision; because there are provisions in the Criminal Procedure Code which authorise the Police to seize objectionable publications as also things used for the commission of crimes.

Then there is Section 9 which vests the Government with absolute power to revoke the license of any newspaper. Sir, once a license is cancelled, the Editor is bound to accede to all the terms dictated by the Government if he wants the license again. There would be absolutely no independence for the press or the man who is connected with it. It is this Section that provides for reference being made to the High Court if the Editor complains that his licence has been cancelled unnecessarily or without justification. Sir, no editor with any self-respect or independence will apply for the renewal of his licence once it has been cancelled, if he is really convinced that such cancellation is unwarranted and unjustifiable. Now let us take it that an editor really feels aggrieved. What is the course open to him? It is left to the Government to refer it to the High Court or not, as they choose. Now, what is it that is going to happen even if the Government refers it to the High Court? Under the Regulation, the powers of the High Court are very limited. They have simply to record their opinion as to whether the allegations of Government that the article complained of was offensive are true or not. Only thus far. They have not got to say whether the cancellation of the licence is proper or not. All that they are expected to say is whether the particular passage comes within the mischief of the Section. The Section is very wide and comprehensive. I will quote presently certain rulings of the High Court which would show what view the High Court uniformly takes in regard to reference under this Section.

Section 10 is another eye-wash, as I would call it. Whether it is heard by a Full Bench, or by a Fuller Bench or by all the Judges

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Nedumangad R. Kesavan Nair.]

of the High Court, what does it matter? The effect of the executive order is there. The Judges of the High Court start with the assumption that the Government has been convinced of the offensive nature of the article. It is more or less a kind of a second trial after Judgment.

Section 12 to 15 merely lay down certain rules and the provisions contained in the 1079 Press Regulation stands unrepealed.

I may just draw the attention of the House to two sentences wherein the High Court take a definite stand that they are not going to interfere with the decision of the Government; so that the matter rests entirely in the hands of the Government. Once the Government say that a particular passage is offensive, the newspaper is more or less booked. When any matter is referred to the High Court, it is perhaps with a view to get the expert opinion of the High Court whether the passage in question is objectionable or not. The merits of the question, the justification for the cancellation of the licence, the High Court is not competent to decide upon. This is what the High Court themselves say in some of their decisions in these references. Once the Government take a definite stand that a particular paper shall be penalised, no self-respecting man will then think of publishing the paper again and go after Government for a licence to be renewed. There have not been many cases like that. In the few cases in which such attempts have been made, the High Court rejected the applications. This is what the High Court says.

> "..... there is no jurisdiction to question the reference and the propriety of the order made by the Government revoking the licence.....";

The High Court is of opinion that they are not competent to question the propriety of the action of the Government. An application to the High Court only serves the purpose of a second trial giving the High Court an additional opportunity to pass strictures about the paper. No other earthly purpose would be served by it.

That is the Ruling reported in 11 T. L. T. 192. There are other Rulings also. In fact, in all these cases the High Court have simply reiterated the decision of the Government.

There is another Ruling reported in 10 T. L. T. 312 where the High Court make their position very clear; they have emphatically stated that they are not going to transgress their limits and to look into the merits. This is what they say:

> "The power of interference conferred upon the High Court is circumscribed by the provisions of Section 10; such power of interference is narrowest."

LIBRARY ARCHIVES Kerala Legislative Assembly

When that is the opinion of the High Court about their powers in this matter, what is the good that will be done to the editor by the matter being referred to the High Court. Thus the only ameliorative provision in the Regulation, therefore serves no useful purpose.

President : Honourable member is aware that the usual time-limit is 10 minutes. I do not want to stop him just now. He may try to finish soon.

Mr. Nedumangad R. Kesavan Nair : Yes, Sir.

I went to bring home to the mind of the Government that, after all, the only ameliorative provision in the Regulation does not really serve any useful purpose. Once the license is cancelled, it is cancelled for ever. There is also another decision which makes the position even more clear.

> "The law is that the onus is on the printer and publisher to show that the words used in the article have not the effect complained of in the minds of the readers."

Mr. P. I. Simon : I rise to a point of order. My friend is evidently reading from the Digest, and not the report itself. Can the Digest pass for the sentence of the High Court?

President : Honourable member credits the members of the State Council with knowledge of all decisions, and is only refreshing their memory, I take it. (Laughter.)

Honourable member will kindly close by lunch time if possible.

Mr. Nedumangad R. Kesavan Nair : Even if I go on after the lunch, I might not take much time.

President : If honourable member wants to get refreshed by lunch, yes. (Laughter.)

Mr. Nedumangad R. Kesavan Nair : I would therefore submit, Sir, arbitrary powers of determining whether a particular passage is offensive or not, of cancelling the license, all that is vested with the Government. As I submitted at the outset Sir, I can understand all these provisions if the laws of the land did not contain adequate provisions to correct newspapers which go astray.

The Council rose for lunch at 1 P.M. and reassembled at 2.5 P.M.

Mr. Nedumangad R. Kesavan Nair : Sir, I was attempting to point out that after all there was no necessity for the publication of this Regulation, highly fortified as we were in the Penal Code. As I submitted at the outset, the main section that proposes to penalise the editors or journalists that go astray is Section 5 of this Regulation. Section 5 contemplates three contingencies. One is where the paper attempts to create hatred, contempt or

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Nedumangad R. Kesavan Nair.]

disaffection towards the British Empire or towards the Sovereign of this State or towards any of the members of the British Ruling Family of this State. Sir, this is covered by Section 117 of the Travancore Penal Code, for which the maximum punishment, punishment for life, is provided. Could anybody reasonably concede that a journalist who would stand the risk of facing a conviction for life is going to be frightened by a mere cancellation of his licence? I should certainly think that it is not reasonable to contemplate such a contingency. Are there not instances wherein Section 117 of the Penal Code have been invoked in spite of the existence of the Press Regulation? What was the editor of the Bhaje Bharatam charged for? Was he not charged under Section 117 of the Penal Code? Was not the Press Regulation in existence then? There is no meaning in saying that unless the Press Regulation exists contempt, hatred or disaffection towards His Majesty the King or towards the ruling Sovereign of this State would go unpunished.

Mr. Kottur Kunjukrishna Pillai: May I know from the honourable member whether this resolution deals with the Newspaper Regulation and not with the Press Regulation?

Mr. Nedumangad R. Kesavan Nair: I do not think that there are two regulations, the Newspaper Regulation and the Press Regulation.

President: The honourable member has been speaking for some time and I would request him to compress his remarks and bring his observations to a close as soon as possible.

Mr. Nedumangad R. Kesavan Nair: I was referring to the Newspaper Regulation. I shall attempt to minimise my observations as far as possible.

President: I did not want the honourable member to minimise his observations. I wanted him to minimise the time that he may take.

Mr. G. Narayana Aiyar: May I know from the honorable member the number of newspapers that are in circulation notwithstanding this Regulation?

Mr. Nedumangad R. Kesavan Nair 170 or 160 newspapers are in circulation but I would say that these are in circulation not in spite of the Regulation. Government allow the publication of those papers that can afford to deposit the licence fees. But that does not mean that every honest individual who has the intention of saying boldly his views in fairness to all is given a chance to run a paper. Sir, poverty shall not be penalised, as has been observed by my friend Mr. Elankath.

LIBRARY ARCHIVES Kerala Legislative Assembly

Another contingency that is contemplated by Section 5 is of a paper that habitually publishes matters that are actionable under Section 503 of the Travancore Penal Code. The licence of that paper can be cancelled. Sir, I ask is there not a penal provision in the Penal Code. Does it not provide for a punishment of imprisonment for a period of two years? If that punishment is not going to frighten him, I ask, is the forfeiting of his security going to frighten him. Over and above that are there not civil remedies provided again for defamation? So that argument also could not be viewed with favour.

Another object for which the Regulation has been passed is to see that papers habitually publishing false information are penalised. Then the security of those papers will be forfeited. In this connection I should say, Sir, that not much of favourable treatment is offered to the local papers as compared to the Madras papers. I have been viewing with pain that matters relating to the State, matters about which Government publications are made, do find a place first in the Madras papers instead of their finding a place in the local dailies. I do say that there is a sort of step-motherly treatment. To say the least of it I would invoke the attention of the Government to see that the same amount of fair treatment is meted out to all newspapers alike, the local and the Madras papers. If prompt information is given to all papers alike there could not be the complaint against papers of having habitualy publishing false information. I have sent a number of interpellations on this matter, but they have not so far been answered. So much about the habitual dissemination of false information.

To deal with this, Sir, there is also another provision made by Government. I refer to an answer that was given to a question of mine. It was answered that the Director of Public Information has been appointed with a definite work and that his main duty is to see that false informations are contradicted. Well that is good, so far. If the appointment of the Director of Public Information would conduce to true information being published, I would welcome it to that extent now that the appointment has been made. So that this contingency also does not arise. He could contradict any number of times the false informations that are published.

These are the answers to the main objections which might possibly be raised when this resolution is pressed. As I submitted at the very outset and as I was attempting to point out the reference of the High Court, the opinion of the High Court and the consideration by the full bench—all this will serve no purpose to an editor who has been condemned by Government. I might be permitted to

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Nedumangad R. Kesavan Nair.]

read one more sentence of what the honourable High Court say about their position in the matter. This is what they say.

"The power of interference conferred upon the High Court is circumscribed by the provision of Section 10, such power of interference is narrowest and the power to pronounce on the wisdom of the executive order is witheld....."

President : I am afraid that this sentence certainly discloses a reference to the digest rather than to a report. I believe that no learned judge of the High Court made himself responsible for any observation couched in such a language. So, I would invite the honourable member to read from the report if he has got it.

Mr. Nedumangad R. Kesavan Nair : I shall not then read the most important sentence that I wanted to read.

President : If the honourable member will vouch for the accuracy of this statement he may read it.

Mr. Nedumangad R. Kesavan Nair : I am reading from a digest. I thought I could refer to the digest without flooding the House with a large number of volumes of the reports.

President : I know that my honourable friend and myself have both had occasion to use digest and we know that they are prepared with a lot of scissors and paste and not usually with the aid of brains.

Mr. Nedumangad R. Kesavan Nair : I shall not read from the digest but I would say that the sum and substance of the observation of the High Court is that an editor whose deposit has been confiscated and whose licence has been cancelled is put to the well nigh impossible task of proving his innocence. Now, I ask, wherein lies the ameliorative aspect of it ? If the executive chooses to pronounce judgment and then refer it to the High Court I do not think that any earthly purpose is served for the poor newspapers. In pursuance to my promise about minimising the time, I do not want to say anything more about it. All that I want to say is that our indepedence is increasing from precedent to precedent if I may say so. We are given liberties. The press shall not be penalised and this regulation shall not be allowed to tarnish the pages of our Statute Book.

Mr. M. Govindan : Sir, I rise to oppose this resolution, I am aware of the consequence of such a position. I am only too aware of that. I know that I shall be very unpopular amongst some of my friends. I shall be criticised by the vernacular papers specially for standing against the liberties of the press. It is very

LIBRARY ARCHIVES Kerala Legislative Assembly

unfashionable to say anything regarding the control of the press and in favour of that control. I know all these. I know also that my friend Mr. Balakrishnan Tampi in his inimitable manner may indulge in a little ridicule.

President : He has no right of speech.

Mr. M. Govindan : Mr. Elenkath in his speech couched in very moderate language, while moving the resolution had the candour to admit that conditions with regard to the Press have not improved notwithstanding the Regulation and that—

Mr. Nedumangad R. Kesavan Nair : May I know as one who heard the speech of Mr. Elankath, what Mr. Elenkath said in respect of the newspapers ?

President: Order, order. Mr. Elankath will put the question.

Mr. K. R. Elankath : May I know whether I made any observation regarding the fact that because of the existence of this Regulation the press has improved ?

Mr. M. Govindan : That is exactly my point. The Newspaper Regulation, as I understand, it has not improved the newspapers, notwithstanding the pressure brought to bear upon it and the control exercised by Government through the present Regulation.

Mr. K. R. Elankath : On a point of personal explanation.

President : Mr. Govindan has travelled far away from the honourable member's observation. He is now making himself responsible for his own observations.

Mr. K. R. Elankath: I should not be misconstrued as having conceded all that he said.

President : When an honourable member is opposing another honourable member, it would be a stretch of language and of ideas to think that he is binding him to what he says.

Mr. M. Govindan : The fact has been admitted, Sir, on all hands, by all the three distinguished speakers, Mr. Elenkath, Mr. Balakrishnan Tampi and Mr. Kesavan Nair that the tone of the present press has degenerated. I know that Mr. Kesavan Nair denied that, but I understand that what he meant was that some newspapers have degenerated. "Some" must be logical "some". That "Some" may include most. My position is this. The fact being conceded that the Press is not what it ought to be so far as communal acrimony and attacks on Government are concern d then the question arises about the necessity for the control perhaps in a more accentuated form.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. Rl. Eankath: May I know from the member whether since the enactment of this Regulation there has been an improvement in communal amity or not ?

Mr. M. Govindan: Sir, if there has been ill feeling between communities before, and if that has been one of the reasons for enacting a measure like this, that reason has not abated to any degree. If at all, it has only increased.

Mr. K. R. Elankath: Does the member concede that it depends upon the character of the Press more than on superficial regulations ?

Mr. M. Govindan: The grounds for passing regulations are the phenomena that we observe outside this House. If there are conditions outside which require control for the sake of communal harmony and peaceful administration, it is necessary in the interests of the public to enact suitable measures. That is our duty. Instead of doing so, granting that such conditions exist outside which necessitated the enactment of this Regulation, it is not fair to the public to say that the regulation should be repealed. I repeat that the repealing of regulations must be necessitated by the conditions existing outside. That is my point. It is practically conceded that the conditions existing outside are not improved by these regulations. The conditions may be induced by other causes. If the other causes that necessitated the regulations do exist it is for the Government and this House to devise measures for removing those causes as well.

Mr. K. R. Elankath: May I know whether the regulation has conduced to free and bold expression of public opinion ?

Mr. M. Govindan: It is not boldness that is lacking now as I understand it, but it is unscrupulous and malicious criticism that is more in evidence. I may say candidly that it is not possible for very decent folks to read certain of the Malayalam newspapers. Therefore it is not possible to subscribe for them. The tone is such. Speaking for myself, I must say that I subscribe only for outside papers. Travancore papers have become so unreadable.

Mr. R. V. Thomas: Does the member say that there is not even one Vernacular decent paper in Travancore ?

Mr. M. Govindan: I do not want to mention any names. It is so difficult to discriminate between papers. If at all there is any reason the reason is for a better control. It is only three years since the Regulation was enacted.

Mr. Nedumangad R. Kesavan Nair: It is 12 years.

Mr. M. Govindan: The amendment is only 3 years ago. During these 3 years what have we observed. We observed that

LIBRARY ARCHIVES Kerala Legislative Assembly

no improvement has come. If that is so, what is it that is necessary ? Make the provisions more rigorous. I expected my friends to say so. My friend Mr. Kesavan Nair pointed out that under the present provisions the High Court cannot use sufficient discretjon for determining whether the executive action which ended in the forfeiture of a paper was just or not. What I submit is this. If my friend feels that sufficient discretion is not given to the High Court I shall be most agreeable to be a party to any piece of legislation which will enlarge the powers of the High Court. That does not mean that the present safeguards should be repealed. On the other hand, it means that amendments are necessary to the existing regulation. I concede that amendments are necessary. It may be for the enlargement of the liberty of the subject that more powers have to be given to the High Court. It may be for maintaining decency in the Varnacular press that the amounts prescribed as security may have to be enhanced. I believe it was Mr. Kesavan Nair who said that after all what is there in the forfeiture of amounts. I have great faith in the forfeiture of amounts. The penal law prescribes only fines in the cause of some crimes. Fines act as a good deterrent.

Mr. Nedumangad R. Kesavan Nair : May I know whether the charges that the Honourable member has levelled against these papers could not be combated with the existing penal law ?

Mr. M. Govindan : I submit that the existing penal law is there. It has not been effective enough. The Newspaper Regulation is there. The combined effect of the penal law and the News paper Regulation has not succeeded in eliminating it. What is the remedy proposed ? It is said that the Newspaper Regulation may be repealed.

Mr. K. R. Elankath : Does the member say that the papers should be suppressed ?

Mr. M. Govindan : Sir, there are about 170 vernacular papers published in Travancore. If I am asked my honest opinion, I may say that we do not require more than 30 or 40 papers for Travancore. Any man who has failed in the School Final Examination and has no chance of getting himself employed in Government service feels when he is discontented that it is his duty to start a newspaper and pass adverse comments about Government servants who did not comply with his prayer for appointment in service. That is a blessed fact known to every member of this House. We shall not be true to ourselves if we say that we do not allow them freedom of opinion. Freedom is a very charming word. The value of uncontrolled freedom has not been appreciated elsewhere by the non-official members in the other place. I say we

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. M. Govindan.]

have very often to curb freedom for the happiness of the greatest number. My friend Mr. Balakrishnan Tampi was enamoured of that word freedom when he was delivering his very interesting speech. I am also very fond of freedom. But would you like your neighbour to have *uncontrolled* freedom? The consequences can easily be imagined. It will make your living very uncomfortable indeed. All that I wish to press for the attention of this House is that we should not be led away by catch words Here are hard facts. Conditions have to be looked into We are responsible Legislators and we have to consider whether a particular measure is necessary or has to be repealed. When conditions call for better control and more repressive measures, we should not be captivated by catch words and repeal a measure simply because it is unpopular in the sense that newspapers do not like it.

Mr. James Fletcher: Sir, the newspapers have no greater or lesser rights than private individuals to libel or to criticise the actions of Government or of public men. That is a statement accepted by all. That is why honourable members of this House ask when private individuals and newspapers are on a par in regard to their rights for creating mischief or spreading libellous literature, why is one machinery provided for the private individual and another for the newspapers? In other words, why should we have the Newspapers Regulation in force when the ordinary criminal courts are available for carrying out the remedial measures. The honourable members of this House are fully aware of the great potentialities of the newspapers to do mischief and the quickness with which they can spread mischief unlike a private individual. The Penal Code and the common law are too slow to keep pace with such mischief. The ordinary prosecutions under the criminal law would not be effective, as much time would be lost before an offender can be brought to book. By the time a conviction is secured, probably all the mischief contemplated by the Newspaper Regulation may have been successfully carried out. As time is of the essence of every remedy by prevention and restraint, it would be seen that the prosecutions under the ordinary criminal law are not quite adequate.

Therefore, it has become essentially necessary that in extreme cases the Government should have prompt and effective means of suppressing the evils which any irresponsible journal or journalist may seek to foster or promote.

Mr. Nedumangad R. Kesavan Nair: Have not Government, the power of confiscating all that belongs to the Press in case of emergency?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. James Fletcher: Under what law please ? Is it under the Press Regulation or under the ordinary criminal law that the member wants enlightenment ?

Mr. Nedumangad R. Kesavan Nair: I want to know whether the Government have not the power to confiscate the Press not under the Press Law, but under the Criminal law ?

Mr. James Fletcher: I submit that if that action has to be taken under the ordinary criminal law, it will take much time. The Government cannot do anything all on a sudden, except by using very extradinary powers, which the people may not very much like. The Government would hesitate to make use of those extraordinary powers, in matters like that and therefore, in such matters, it is best for Government to have special powers under special Regulation.

Now as I submitted, prosecuting by ordinary law may delay matters and therefore, such prosecution would be of very little use in matters of that sort. It is to meet such contingencies, Regulation V of 1101 was promulgated. But, however, I may state that a time may come, though not now, when the Regulation may have to be done away with. At present, we cannot think of repealing or cancelling this law, as the mover himself admitted that there are a number of papers who flourish by brow-beating or by similar acts. Honourable members who supported the motion also had to admit that all is not well with our newspapers, so much so, those who want to repeal the Regulation will admit that time has not yet come for that. Now there are papers which have to be curbed or stopped from publication under certain conditions.

Mr. K. R. Elankath: Does the member think that a time will come when the whole penal law could be repealed ?

Mr. James Fletcher: We may wish for such an ideal time at any rate. So far as the Press Regulation is concerned, if it is found that a Press is owned by a respectable gentleman who would not transgress the law, then the matter will have to be considered. There are countries where this law is not in force. In this State, I submit we are not going backward. I do not agree with my honourable friend Mr. Govindan, in his diatribe against the Malayalam Papers. Travancore Press is not so bad as he thinks. They are improving and are coming to a very high standard. All the present day papers are not bad. There are very good Malayalam papers. I cannot condemn all as entirely bad ; there may be black sheep among them. Hence, at this time the Press Regulation is necessary.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. James Fletcher]

My honourable friends talked about modifying some sections in the Regulation. But the motion before the House is not either for modifying or amending them. It is sought to repeal the Press Regulation by means of this resolution. So, the question is whether a time has arrived when the present law could be repealed. According to their own showing, that time has not yet arrived. Newspapers have to be kept under control and require suitable curbing. Therefore, I oppose the resolution. At the same time I may state that fortunately, after this law has been brought into force, prosecutions were few and far between. The Government were very considerate and still continue to be so. They do not make use of the Regulation unless under extraordinary circumstances. But when extreme cases happen, Government resort to prosecute such. The provisions of the Regulation are invoked under extreme circumstances for the good of the public at large. With these words, I oppose the resolution.

Mr. Kottur Cunjukrishna Pillai: Sir, I wish to offer a few remarks on this resolution. I believe that there is no need for any argument to convince anybody as to the necessity of freedom of expression. It is an inalienable, fundamental right which has been recognised and it is too late in the day now to go against that accepted principle. The resolution as I understand it is based on this fundamental principle and I think, as a principle, it will not be objected to nor would anybody seriously attempt to controvert the sacredness of this right.

Sir, it has been pointed out by several members that the tone of the Vernacular Press in Travancore has deteriorated considerably. This criticism was made not merely by those who opposed the resolution. But this seems to have been taken as in-controvertible even by those who sponsored the resolution. (*Hear, hear*) As one who is in intimate touch with the journalistic profession, as one who claims to know the condition of the Press as it exists at present and as it existed some years ago, I do not for a moment subscribe to this proposition. Sir, if I subscribe to that proposition, it inevitably follows that I admit for a moment that the reading public that now exist has deteriorated from the reading public of some years ago. We are all apt to ascribe virtues that never existed to a past generation, and condemn our own generation. Sometimes it is over done. But, if one looks at the question impartially it will be seen that there is no such fundamental deterioration in one period and a fundamental exaltation of virtues in another period. I may at once admit that at the present moment, due to communa. feeling, due to a variety of causes,

LIBRARY ARCHIVES Kerala Legislative Assembly

due to their attachment to certain communal claims and suspicions, due to various other causes which I am not here to explore, certain sets of circumstances have come to exist, and, newspapers that, cater to such a public have also gained colour from the circumstances or from the surroundings in which they live. It is impossible to say that the newspapers alone are responsible for their tone. The Press of a country is the reflection of the public mind in that country. The tone of the paper is determined by the tone of public opinion in a State. If these points are conceded, and, if anybody criticises the Press as such, he must also be prepared to accept that his generation is in a way responsible for these conditions.

Having stated that, I am not for a moment saying that there is nothing wrong with journalism in Travancore. I am too mindful of its limitations. I am too mindful of its faults. I am aware of the various subterfuges and under-hand methods that are being adopted. But you should not judge a noble profession, a calling, such as journalism, by these excrecenses. So much for the attack against the Press as it exists at the present moment.

The question that has been really agitated in the resolution is whether the Press as it exists at present should be abolished or should be allowed to continue? Will it be in public interests to allow the Press to express an opinion without any control whatsoever, or, whether the present Press law has got defects to be modified? These are the questions that are germane to the resolution. Sir, the resolution asks for repeal. It does not suggest any remedy. This question I may tell the House had engaged the attention of the journalistic association of Travancore of which I happen to be a member. I was also in the Committee that was appointed to enquire into the matter and suggest remedies. We went into the question dispassionately and with considerable thoroughness. By an honest examination of the existing circumstances, looking at the question purely from the point of view of the man who wants to know the defects in the system, we found that that there were certain defects. We found that the profession of journalism has not been well-organised in the State. We found it imposible for the association to make things as they ought to be.

Mr. Nedumangad R. Kesavan Nair: May I know from the member whether he is opposing or supporting the resolution?

President: I dare say we can know it before the member finishes his speech.

Mr. M. S. Anirudhan: May I know what defects were found in the Regulation?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Kottur Kunjukrishna Pillai: I will come to that, I think Sir, that I was making my position clearer and if it is not so I hope to make it more clear. There is no necessity for such questions which are not very much to the taste.

Mr. Nedumangad R. Kesavan Nair: Is the member in order to make that statement?

President: That is not an unparliamentary expression. Questioning an honourable member's taste does not attribute moral turpitude

Mr. Kottur Kunjukrishna Pillai: The effects of the Newspapers Regulation and the amendment to that regulation have been pointed out in the Press and the Platform, times without number, and that there is absolutely no necessity to repeat them here. If there was any necessity, they have all been repeated by the honourable member Mr. Kesavan Nair, most of which are true and I am sure they can be remedied and ought to be remedied. I am of that view. There is no doubt with regard to that.

I was at the fundamental question as to whether it is a right policy to allow the Press as it exists at present, in its present stage of development of public opinion, to have an untrammelled control, or, to have a certain amount of control exercised. This question was considered by the Journalistic Association and by the committee that was appointed by the journalistic Association. They came to the conclusion that some legislation analogous to the Bar Council's Act for the organisation and control of the journalistic profession ought to be made. That was the conclusion which the Journalistic Association arrived at. When that is stated, I think, I have made my position as well as that of the journalists clear. There are very many defects in the present legislation which are being felt by journalists for example with regard to the issuing of licenses and the difficulty experienced when the printer and publisher suddenly dies. In such cases the paper stops circulation until it gets facilities to obtain a new license. All these things have been pointed out even at the moment when this Amendment Regulation as well as the original Regulation was published. I do not wish to take up the time of the House by reiterating all those defects and claim a sort of originality with regard to them. In short what I would say is that the underlying principle of this Regulation is un-exceptionable. The rosolution makes only a recommendation that it should repeal the Press Regulation. When it should repeal or what conditions should precede before it is repealed are not mentioned. It allows the Government to take its own time and deal with the matter in the most appropriate manner. The resolution does not impose any more condition than that. As

LIBRARY ARCHIVES Kerala Legislative Assembly

such, I believe, there will not be any difficulty for Government to accept this resolution and I think, in any event Government will consider the very many difficulties that really exist and are really felt by journalists on account of the present Regulation. They will also consider the views of the Journalists' Association and help them to organise themselves by the.....

Mr. Nedumangad R. Kesavan Nair: May I Know Sir, whether the member is supporting or opposing the resolution ?

Mr. Kottur Kunjukrishna Pillai: With regard to that question, I may say that I can only make my position clear and the member has to draw his own conclusion.

President: The honourable member can either answer the question or refuse to do so.

Mr. Kottur Kunjukrishna Pillai: The member will have to draw his own legitimate inference. If he is unable to draw the legitimate inference, he will have to wait till I exercise my vote.

Mr. Nedumangad R. Kesavan Nair: Sir, I rise to a point of order. When speaking on a resolution, should not a member say that he either supports or opposes the resolution ?

President: So far as there is no legal obligation on the part of a member to say what he proposes to do at the time of voting, there is a right to every member to offer explanation. That has been exercised.

Mr. K. M. Korah: (*Vaikom, Kottayam and Changanacherry Peermade*) I rise to support the resolution.

President: I think I have given considerable latitude to honourable members. I shall give ten minutes each for every member.

Mr. K. M. Korah: Ever since this Regulation came into force people were trying to get it repealed. It has been the subject of discussion even on the floor of this House on more occasions than one. There is a considerable section of the public who feel that the Regulation marks a dark chapter in the constitutional progress of our State and that it is a blot on the fair name of this model State. Travancore Penal Code provides against scurrilous attacks against the Sovereign and the Government. There is also ample provision to safeguard the prestige, reputation and good name of the State. While so providing, the Statute also provide for the subject a fair trial by a court of competent jurisdiction.

But the Newspapers Regulation provides for executive action without the safeguard of a trial by an independent tribunal. An executive which finds an independent and strong journal criticising its action and exposing the injustice of its policy can easily lay its hands on the press.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. M. Korah.]

Thus we find that the executive action is brought into play without a trial, so much so that a journal which can lay any claim to impartial and independent views can be suppressed effectively. What is the consequence? The injury is such as could not be repaired. The journal ceases its publication all of a sudden and the circulation which it has built up probably through generations stops. I know that there is provision for a reference to the High Court. But what is the effect? Take it for granted that the High Court comes to the conclusion that the action of the executive was unjustified, what is the remedy? Is there any provision for compensation? There is absolutely nothing, so far as the present Regulation is concerned. So then we find that the liberty conferred upon the executive by the Statute is unbridled and without a corresponding liability. It is said that there is no wrong without a remedy. But the Newspapers Regulation appears to be a significant exception to this principle. It is, as I said, a right without a corresponding obligation that the executive is vested with. When the executive is vested with such a power, the consequent result is that the press is either driven out of existence or driven to the abject servility. Hence I feel that the present Regulation calls for immediate repeal in so far as it infringes on the right of the freedom of the press.

Another aspect of the question also calls for consideration. The executive can never function for or in the place of the judiciary for the reason that the executive is the complainant, the witness and the judge; all in one so far as the Newspaper Regulation is concerned. In view of these facts, especially for political progress of the State, I honestly believe that the Regulation will be repealed immediately. It is true that the resolution is:

> "This council recommends to the Government that the Travancore Newspapers Regulation be repealed."

I know that time is not specified. But as I understand, and as people can ordinarily understand, what it means is that the repeal of the Newspaper Regulation should be effected immediately. With these words, I support the resolution.

Mr. T. K. Kittan (*Vaikam, Kottayam, and Changanachery, cum Peermade*): സർ, പത്രറഗ്ലേഷൻ റദ്ദ ചെയ്യണമെന്നുള്ള മി: ഇലങ്കത്തിന്റെ പ്രമേയത്തെ ഞാൻ അനുകൂലിക്കുന്നു ഫ ഫ ൦ ഫ-ൽ അ ണെന്നതോന്നുന്നു, പത്രറഗ്ലേഷൻ ഇവിടെ നടപ്പാക്കിയതു്. ഫ ൦ ൦-൩ മാണ്ടുവരെ നടന്ന പത്രപ്രസ്താവനകൾ അത്ര വെടിപ്പുള്ളതല്ലെന്നു ഗവ ണ്മെൻറ്റ് ഉദ്യോഗസ്ഥന്മാക്കു തോന്നീട്ടായിരിക്കണം. ജനങ്ങളെ ഒരു നല്ല ശീലം പഠിപ്പിക്കുവാനായി താൽക്കാലികമായിട്ടെങ്കിലും ഒരു റഗ്ലേഷന ണ്ടാക്കുവാൻ ഇടയായതു്. അതുകഴിഞ്ഞിട്ടു് ഇപ്പോൾ ഫ ൨ കൊല്ലം

LIBRARY ARCHIVES Kerala Legislative Assembly

കഴിഞ്ഞിരിക്കുന്നു. ഈ പുതു കൊല്ലങ്ങൾക്കുള്ളിൽ ഈ രാജ്യത്തെ സ്ഥിതിഗതികൾ മനസ്സിലാക്കിയിട്ടുള്ളവർക്ക്, ഈ റഗുലേഷൻകൊണ്ടു ജനങ്ങൾ വളരെ നന്നായിട്ടുണ്ടെന്നുകാണാൻ കഴിഞ്ഞിട്ടുണ്ട്. ക്ഷേത്രപ്രവേശനം വരെയുള്ള പല പരിഷ്കാരങ്ങളും നടപ്പിൽ വരുത്തിയിരിക്കുന്ന ഈരാജ്യത്തു്. കൊള്ളരുതാത്ത വർത്തമാനങ്ങൾ പത്രങ്ങളിൽ എഴുതിവിടുന്നു എന്നുള്ള ഒരു സ്ഥിതി ഇനിയും മാറിയിട്ടില്ലെന്നാണോ വിചാരിക്കേണ്ടതു്? ഒരിക്കലുമല്ല. സഭ്യമായ ഭാഷയിൽ എഴുതുന്നതിനും, ശരിയായ കണക്കുകൾ പ്രസിദ്ധപ്പെടുത്തുന്നതിനും ജനങ്ങൾ പഠിച്ചുകഴിഞ്ഞിരിക്കുന്നു. അതുകൊണ്ടു ജനങ്ങളുടെ ഈ പുരോഗമനസ്ഥിതിയെ പരീക്ഷിച്ചുനോക്കുന്നതിനെങ്കിലും ഈ ന്യൂസുപേപ്പർ റഗുലേഷൻ റദ്ദ് ചെയ്യണമെന്നാണു് എന്റെ അഭിപ്രായം.

ഇവിടെ ഒരു മാന്യസ്നേഹിതൻ മലയാളഭാഷയിലുള്ള വർത്തമാനക്കടലാസുകൾ താൻ വായിക്കാറില്ല, ഇംഗ്ലീഷ് പത്രങ്ങളാണു് വായിക്കാറുള്ളതു് എന്നുപറയുകയുണ്ടായി. വലിയ ഭയങ്കരം! ഈ രാജ്യത്തെ ജനങ്ങളോടും ഭാഷയോടും ഒരു സ്നേഹവുമില്ലാതെ അദ്ദേഹം പ്രവർത്തിക്കുന്നല്ലൊ എന്നോർത്തു ഞാൻ വ്യസനിക്കുന്നു. മി: ഗോവിന്ദൻ വളരെ പഴമപരിചയമുള്ള ഒരു മാന്യനാണു്, ഒരു വർത്തമാനക്കടലാസിലെ ഭാഷയും പ്രസ്താവനകളും ശരിയല്ലെന്നു അദ്ദേഹത്തിനു തോന്നിയിരുന്നാൽ അദ്ദേഹം അതു് ആ പത്രാധിപക്കു് എഴുതിഅയക്കുകയൊ പറഞ്ഞയക്കയൊ ചെയ്തിരുന്നാൽതന്നെയും ആ ന്യൂനത പരിഹരിക്കപ്പെട്ടുമായിരുന്നു; എന്തുകൊണ്ടെന്നാൽ മി: ഗോവിന്ദനോടു് അത്ര ബഹുമാനമാണു മിക്കജനങ്ങൾക്കുമുള്ളതു്. അങ്ങിനെയൊന്നും ചെയ്യാതെ, മലയാളപത്രം തൊടുകയൊ നോക്കുകയൊ ഇല്ലെന്നും ഇംഗ്ലീഷിപത്രമെ അദ്ദേഹം വായിക്കുകയുള്ളു എന്നും പറഞ്ഞതിൽ വീണ്ടും മനസ്ഥാപിക്കുന്നു.

അതുകൊണ്ടു് നമ്മുടെ ജനങ്ങളുടെ മനോഗതിയും സ്ഥിതിയും എങ്ങിനെയിരിക്കുന്നു എന്നു പരീക്ഷിക്കുന്നതിനായിട്ടെങ്കിലും ന്യൂസ്പേപ്പർ റഗുലേഷൻ റദ്ദ്ചെയ്യണമെന്നഭിപ്രായപ്പെട്ടുകൊണ്ടു് ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിച്ചുകൊള്ളുന്നു.

Mr. K. K. Kuruvila (*Mavelikara and Tiruvalla cum Pattanamtitta*): I am always suspicious of special laws. Special laws seem to be short cuts to the administration of justice. One honourable Member has already stated that the advantage of special laws is to save time. Exactly on that ground I oppose the motion

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. K. Kuruvila.]

We are all as human beings subject to emotions. We should never come to decisions, especially important decisions on the spur of the moment. Therefore, I am opposed to any special laws which are framed with the object of saving time. It is dangerous both to the executive and to those who come within their jurisdiction.

The second point which I have to point out is this. It has been said that our newspapers show a degenerating tendency. But my opinion is that special laws would not in any way improve this defect. And certainly the Government have not yet succeeded to prevent this danger. If a particular method which we have tried has not improved the situation why not change it and introduce something better.

Thirdly, I have to state that there are several ways by which a man may speak out with a vengeance and spite. He may do it by his speech and writing So we have to adopt two special laws one to suppress speech and the other to suppress writing. Any honourable member could see that when anything disloyal or unsatisfactory is uttered at a public meeting there is the penal law with sufficient provisions to prevent that. Why can't it be applied in the case of an article in a newspaper? I think that these two provisions may be combined under one law. On these three grounds I support the resolution before the House.

Mr. G. Narayana Aiyar: Sir, I oppose the resolution. The question that the Press should have absolute freedom cannot be disputed. But then there must be limits to this freedom. Occasions may arise when the ordinary laws of the State may not be satisfactory and sufficient for the Government to deal with emergent situations. Government may have to control things then and there. It is only to meet such emergent contingencies that special laws are passed. This Regulation was passed more than 12 years ago. In spite of the provisions contained in it, we find that at present there are more than 120 periodicals circulating in the State. And it can also be said that nowhere else there are such a large number of newspapers in circulation. It is the highest blessing in Travancore that newspapers are enabled to circulate freely. The course of events subsequent to the passing of the Regulation justify the retention of it. The occasions when the power under the Regulation were resorted to by the Government were very few. My honourable friend Mr. Kottur Kunjukrishna Pillai has made out a sufficiently strong case for the retention of this Regulation. As Mr. Kottur Kunjukrishna Pillai said, there is no need for repealing the Regulation but that if any clause is found to be

LIBRARY ARCHIVES Kerala Legislative Assembly

dangerous or objectionable it can be amended. With these observations, I oppose the resolution.

Mr. R. V. Thomas: My honourable friend Mr. Govindan has drawn a very exaggerated picture of the gloomy side of the Malayalam Press in Travancore. It is no wonder for Mr. Govindan admits that he reads no Malayalam Journal. I am of opinion that the general tone of the Vernacular press in Travancore is quite healthy. I am quite sure that Mr. Govindan will be converted to my view about the matter if he makes up his mind today to subscribe for one of the Malayalam Dailies. (*Laughter.*) The other day the President of this House dubbed one of the Malayalam dailies as a very respectable paper. Mr. Govindan, I hope, will believe what the President of this House has said. I feel proud to say that the general education of the state has made great strides particularly during recent years. So far as the Press is concerned Travancore is not behind British India or for that matter any other country when integrity and respectability are concerned. The Press of a particular country is what the people are and not the people what the Press is. And as such, the existence of the Regulation is a slur on the character of the people. It offends the dignity and honour of the people of the State. Of course there may have been solitary instances when the imagination of a particular member of the Press have run riot. To meet such an emergency there are provisions in the Criminal Code. I hope the Government would find their way to repeal the unwanted regulation. I heartily support the mover of the resolution.

Mr. N. V. Chacko: Sir, I support the honourable member, Mr. Elenkath.

President: The honourable member will please raise his voice.

Mr. N. V. Chacko: After listening to the honourable members who spoke against the resolution I feel compelled to make some observations with regard to the resolution. Mr. Govindan's speech shows that he is like a burnt cat. As he is not reading the Malayalam papers, he is not in a position to speak about their quality.

The honourable member Mr. Kottur Kunjukrishna Pillai seems to have chosen to maintain a neutral attitude since he is intimately connected with a Malayalam Newspaper. Probably it is a right stand for people in his position.

The honourable member Mr. G. Narayana Aiyar said that since the occasions on which recourse was had to the provisions of this Regulation were few and far between, there is no harm in retaining it in the Statute Book. To my mind that is the very reason why this Regulation should be deemed unnecessary and repealed.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. N. V. Chacko.]

I am of opinion that Government ought to repose confidence in the editors and if they are made to feel that the Government respects and trusts them they would naturally try to be more responsible and decent. In British India we find that the times are taking a new turn. Therefore it will be very proper and in keeping with the times to repeal this Regulation. With these words I support the resolution before the House.

Mr. Kayalam Paramesvaran Pillai (*Law Member*): Sir, I oppose this resolution. This is not the first time that it has fallen to my lot to oppose such a resolution and support the Regulation. On two previous occasions there have been fulldress debates in the Legislature on this subject and, the verdict has been entirely in favour of the Regulation. To-day, I am in the fortunate position of seeing that my task has been half done by the other side. Because, it has been expressly conceded by the other side that some of the Newspapers, though not all of them, have certain very reprehensible characteristics which have to be put down. Mr. Elenkath, the mover of the resolution concluded this portion of his speech by stating that such papers must be made to cease to exist.

Mr. Govindan referred to certain other characteristics of the present day newspapers which purposely strive to create communal animosities and to impute motives for every action of private individuals or the Government. I shall not dilate upon all that and shall only repeat what Mr. Elenkath said that these papers should cease to exist. But, how to make these papers cease to exist. That is the real question. My answer is apply the Newspapers Regulation. Mr. Elankath as well as other honourable Members referred in this connection to the Penal Code. No doubt, the editor or the conductor of a paper may be punished by applying the provisions of the Penal Code. But even then the question is how to make these papers cease to exist. An editor may be prosecuted and punished. Will that make the paper cease to exist? No. The problem was solved by Government by promulgating the Newspapers Regulation. How could these papers be made to cease to exist except by striking at the very paper itself. There is not much good in prosecuting and punishing the editor or publisher of a paper. Even if the editor is punished and put in jail the paper may continue. If we look at the genesis of this Regulation it will be found that when it was enacted two papers were being prosecuted for fomenting communal hatred by publishing certain articles. When these editors were being prosecuted other papers took up the same attitude and began to publish articles of the same kind. What has Government to do? Government felt that some means should be found to strike at the paper itself.

LIBRARY ARCHIVES Kerala Legislative Assembly

Again, there was and is another feature of these papers. It is this. The persons who outwardly conduct the papers were not those who were at the back. The persons who appeared as the conductors were mere dummies. It was and is a usual practice to get a compositor or an errand boy declared as the publisher of a paper. You may prosecute the compositor or errand boy and send him to jail. But compositor after compositor and errand boy after errand boy may again and again come and declare himself as the publisher of the paper. How can these papers be dealt with except by striking at the paper itself? The means for that is the Newspapers Regulation which enables a newspaper to be stopped by its license being cancelled. It will be noticed from the Regulation that the publications prohibited are such as those that tend to embitter communal feelings or are seditious and the like. No honourable member of this House would say that the advocates the liberty of the press for publishing such articles. If liberty is claimed for the purpose then certainly that liberty should be fettered.

It has been stated that the Regulation strikes at the liberty of the Press because licenses are insisted on for newspapers. The Regulation no doubt lays down that any person who wants to publish a paper must get a license. But the maximum fee for the license is only Rs. 1,000, and it is not within the power of Government to refuse license to anybody. The Government is bound in every case to issue a license, if the fee is paid. They may of course fix the fee at different figures but the maximum is only Rs. 1,000 and if anybody offers to pay that, the license will issue for the mere asking and even the most detested man cannot be refused a license. Then how is anybody prohibited from starting a newspaper?

I would request the honourable members to compare our enactment with those in force in the neighbouring places. In Mysore, no person can start a paper unless he gets permission from the Government; and it is left to the absolute discretion of the Government to grant the permission or to refuse it, without even assigning any reason. There is no question of a person being entitled to get permission under any terms. Here, Government are bound to grant the license, if only the prescribed fee is paid. And, in Mysore it is always open to the Government at any moment to withdraw the permission once granted, whenever they choose, without assigning any reason. And then, what is the punishment there if any person offends against the provisions of the enactment? It is banishment from the country within 7 days!

Mr. K. R. Elankath: Has there been any instance in Travancore of banishment from the country within a few hours?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Kayalam Paramesvaran Pillai: That does not now arise, Sir ; I am now speaking of the provisions of our Newspapers Regulation and comparing it with those of the Mysore Regulation and pointing out that the punishment fixed in the Mysore Regulation is banishment from the country.

Mr. Nedumangad R. Kesavan Nair: May I know whether the editor of a newspaper was not deported and his press confiscated?

Mr. Kayalam Paramesvaran Pillai: That was once done under a special Proclamation, as an act of State, in an individual case and no general rule or law was laid down.

President: When was that?

Mr. Kayalam Paramesvaran Pillai: About 25 years ago.

President: Was it not the case in which I appeared in Madras?

Mr. Kayalam Paramesvaran Pillai: Yes, Sir.

Then, Sir, what about the Law in British India. The provisions of the Indian Press Emergency Powers Act is much more rigorous than the provisions of our Newspaper Regulation.

It will be very interesting to see that Cochin has recently copied our Regulation word for word, even with all its defects, as it originally stood.

Sir, any person who wants to conduct a paper on proper lines must be prepared to invest some money. Even a bi-weekly would require an investment of Rs. 4,000 or 5,000 ; and if it is a daily, you would require some Rs. 10,000 or 20,000. No poor man can think of running a good newspaper. Every paper needs financial backing, and what is the serious harm in asking for a license fee also. Mr. Govindan was quite right when he said that even failed V. S. L. Cs., unemployed people, were starting newspapers. That is the undesirable side of it; we want to put a stop to it, and we want such papers to cease to exist, if they misbehave.

Mr. K. R. Elankath: What has the learned Law Member to say about the ways and means suggested for that purpose by me?

Mr. Kayalam Paramesvaran Pillai: Without meaning any offence to the honourable member, Sir, I must say that the remedies suggested by him are suitable only for Utopia and not for this practical world. He suggests that the moment that the Government would issue press notes against such papers, the papers would cease to exist. If that be so, Sir, I may very well suggest that we may abolish the Penal Code, and issue press notes against a thief or a murderer the moment his crime is detected and expect crime to be reprieved. (*Hear, hear.*)

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. R. Elankath: Is it possible for any paper to exist without contributions?

Mr. Kayalam Paramesvaran Pillai: If it is only a question of possibility, I may say it is quite possible ; but I do not think that any paper will continue long to exist unless there are people to support it.

President : Are you certain about that?

Mr. Kayalam Paramesvaran Pillai: Not at all, Sir. I am glad Mr. Elenkath put his question ; because, that again reminds me of his objective, *viz*, to make a bad paper cease to exist. If for that purpose the House is convinced of the weapon suggested by him, I will only be too glad to get the Newspapers Regulation repealed.

Mr. Nedumangad R. Kesavan Nair: Will not a paper cease to exist if action is taken against it under the Penal Code?

Mr. Kayalam Paramesvaran Pillai: So far as I know, the Penal Code provides for action being taken only against human beings, and not against any newspaper. (*Laughter.*)

Mr. Nedumangad R. Kesavan Nair: May I ask whether the penal provisions of the Newspapers Regulation are not contained in the Penal Code also ?

Mr. Kayalam Paramesvaran Pillai: My friend was saying in his speech that the Penal Code contained the identical provisions which find a place in the Newspapers Regulation. That is not quite accurate. The provisions in both the enactments are not quite identical. But that is a mir or matter. The specific question that has been rightly raised by the mover is how to make the paper cease to exist. Mr. Elenkath, with his wide experience of the world, rightly propounded that as the question. (*Laughter.*) That is why I said at the outset that one half of my task has been done by him. For that purpose we do require the provisions of the Newspaper Regulation which, as I have already indicated, are not very rigorous ; and the application of the Penal Code will not make the paper cease to exist.

Then, Sir, it was argued that the action taken by the Government under the Regulation was not liable to be questioned by the High Court. I think that arises out of a misreading of the provisions of the Regulation. The party whose license is cancelled has got an absolute right to ask for a reference of the case to the High Court. If he asks for such reference, Government are bound to make the reference ; they have no other alternative.

Mr. Nedumangad R. Kesavan Nair: Has there been a single instance in which the High Court has differed from the Government ?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Kayalam Paramesvaran Pillai: That reflects to the credit of the Government. It shows how reasonable they have always been in all those cases. (*Laughter.*)

Mr. K. R. Elankath: Is the Judiciary in Travancore independent of the executive?

Mr. Kayalam Paramesvaran Pillai: Yes, Sir.

I suppose I shall not be divulging any official secret if I inform the House that, in all these matters, Government always take proper legal advice before taking action, *i. e.* before cancelling the license. It is therefore ordinarily speaking impossible for the High Court to take a different view from that of the Government.

Sir, the Newspapers Regulation has been in our Statute Book for nearly 12 years. During all these years, only 6 licenses have been cancelled. In all these cases, whenever the matter went up to the High Court, they upheld the action taken by the Government Sir, Government take care to warn the party before taking any action. It is only when all other means have failed that they proceed to cancel the license, and that only after obtaining the best legal advice. It is no wonder therefore that the High Court have never differed from the Government.

Another argument that was urged was that the High Court, even if they be convinced that the Government were not justified in cancelling the license, had no power to restore the license or to enable the party to get the license book. Sir, this is not correct. I may draw the attention of the House to Section 10 (3) in which it is laid down that, where the High Court expresses an opinion in favour of the paper, Government *shall* revoke the cancellation of the license. Government have no discretion there. They *must* revoke the cancellation.

Sir, in regard to these references to the High Court what the High Court are asked to do is to express their opinion about the offending nature of the article in question. It is not the High Court that cancels the license and therefore in form they do not revoke such cancellations. But the Section clearly lays down that Government shall, on receipt of the High Court decision revoke the cancellation order. It cannot be suggested that, the Statute may lay down like that, Government would refuse to revoke the cancellation order. The Statute is the command of the Sovereign, and the Government are bound to obey such commands as much as everyone else. It is therefore wrong to say that it is left to the discretion of the Government either to refer the matter to the High Court when the party asks for such reference or to refuse to revoke the cancellation order when the High Court expresses its opinion against the action taken by the Government.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Kesavan Nair referred to certain observations made in some judgments. I have not got the reports with me. But the substance of what the High Court has said is I think that there is no form prescribed for the reference to the High Court and that therefore a reference would not be bad in law on account of any mere irregularity in form.

Mr. Nedumangad R. Kesavan Nair: Has not the High Court stated that their powers under the Regulation are very limited, very narrow?

Mr. Kayalam Paramesvaran Pillai: No; what the High Court say is that that they are concerned only with the merits of the matter of reference, *viz.*, whether a particular article is offensive or not. They also say that they are not concerned with the form of the reference or the method of cancellation.

Mr. K. R. Elankath: Are they competent to make any observation on the action taken by the Government?

Mr. Kayalam Paramesvaran Pillai: Yes, in this sense; they can say that the article in question was an innocent one.

Mr. Nedumangad R. Kesavan Nair: Have not the High Court opined that the onus of proving that the article in question does not come under the Regulation is on the editor? And, is not that task very difficult according to the opinion of the High Court?

Mr. Kayalam Paramesvaran Pillai: Section 10 (3) says—

> "If, in the opinion of the Full Bench, or when there is a difference of opinion in the opinion of the majority of the Judges composing the Full Bench, the words, signs,.....or matter referred to in sub-section (1) were not in fact of the nature described in Section 5, Our Government shall, on receipt of such decision, revoke the said order."

In view of this the High Court must become convinced of the nature of the article in question and as such the burden may be on the editor. But, after all it is only a question of the method of proof and if anybody is aggrieved by, that it is open to him to make a representation to Government that the burden of proof is wrongly placed on him. That is a small matter. But what is material is that when the matter comes before the High Court, it is open to them to come to the conclusion that the article is innocent or unoffending. If the High Court expresses the opinion that it is innocent, the Government is bound to revoke its order of cancellation of the licence. So it is quite indirect to say that the High Court are powerless. Again, Sir, Government are bound to refer the matter to the High Court if an application is made by the aggrieved party and as said above if the High Court is of opinion that the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai.]

article in question is an innocent one, the Government are bound to cancel their order of cancellation of the licence. It is quite wrong therefore to state that the executive order prevails and the judiciary does not come in at all. If anybody reads all the provisions of the Regulation he will notice that the word "shall" is used in all these places, Government shall issue a licence, the Government shall make a reference, and the Government shall revoke the order of cancellation on receipt of the finding of the High Court that the article is not offensive. Government have submitted themselves to the decision of the judiciary. Because the Government *may* make mistake, and they want to satisfy the public that they have acted rightly by allowing the judiciary to pronounce upon their action.

Mr. Nedumangad R. Kesavan Nair: If the Government make such a mistake what is the remedy for the editor who has been wronged apart from making a reference to the High Court?

Mr. Kayalam Paramesvaran Pillai: I shall deal with it presently. That is a purely hypothetical affair just for the present. As I said, during the last 12 years only 6 cancellations have taken place. In all these the High Court have upheld the orders of Government. If it had been the case that in a particular instance the Government acted wrongly or imprudently cancelled the licence, and the High Court had reversed the decision, this question would have been a practical question. No such thing has happened during these 12 years, and therefore for the moment the question raised is a purely hypothecatione. As the question has however been raised by theory at least, I would reply by referring to an analogous thing. Suppose a person who is accused of a crime and is incarcerated and put in goal without being let on bail is acquitted in the end by the High Court after say a period of a year. It might be an honourable acquittal. What is it that the Government could or should do to compensate him? Sir, the question now raised is similar. If the Government's order of cancellation had to be revoked as a result of reference to the High Court, there may perhaps be some hardship to the paper which did not run during the interim period. But that does not arise as a practical question at present, because, as I said, during the last 12 years only 6 cases of cancellation have arisen and in those 6 cases the High Court have not found the action of Government wrong. Again Sir, that the provisions of the Newspapers Regulation do not place any onerous conditions on the newspapers is clear. Because, in spite of the regulation there are about 120 or 130 newspapers which are functioning in our State as dailies, weeklies or monthlies. Do the honourable members know the number of papers in circulation in the State of Mysore? They are only about a dozen.

LIBRARY ARCHIVES Kerala Legislative Assembly

Any person who has ever had occasion to speak to Mysoreans would have known that a paper cannot be started in Mysore unless it be at the sweet will and pleasure of the Mysore Government. It is not for me to criticise another Government, but still the law is there and the feeling is there. Is that the feeling here ? These 120 or 130 newspapers are in circulation in this State in spite of the Newspapers Regulation.

Mr. N. V. Chacko: Supposing another Government is harsh. Does that mean that we should adopt that attitude ?

Mr. Kayalam Paramesvaran Pillai: Certainly not. I was only suggesting that our law is the mildest and permitted about 120 or 130 papers to run.

Mr. N. V. Chacko: Are not the Travancoreans more educated than the Mysoreans ?

Mr. Kayalam Paramesvaran Pillai: Sir, I have heard it said that the more civilised a nation is the more offending propensities they have and the more rigorous laws are required for curbing their activities. That may be a matter of opinion. But Sir, the hard fact is here that in spite of the Newspapers Regulation about 120 or 130 papers are running in this State why ? Does it show that our law places onerous obligations on newspapers.

Sir, I remember having read a Press communique, issued during Sir Muhammed Habibullah's time. He invited the journalists to a Conference and one of the topics of discussion was the Newspapers Regulation. It is stated in the Press Communique that one editor said "I have never felt the fear during the last 21 years of any Press laws nor do I fear that the Press law would manacle the hands of any right of the editor". I am not going to canvas it in detail But, that was stated there. Today also one honourable member stated that there is no difficulty for any newspaper to start or run under the Regulation. After all, the conditions are not onerous or difficult to comply with.

Much has been stated today about the tone of the papers. The Government feel that there is an improvement in the tone but they also feel that it is because of the existence of the Newspapers Regulation that restrained language is being used. They feel also that the moment that the control is taken away many papers may dash into other tones and may be guilty of those very things which Government want to prevent by this Regulation. It is not quite correct therefore to say that the Newspapers Regulation has not had any effect on the tone of the papers Still the Government feel that the tone has not completely improved and that there is further room for improvement. The moment that the necessity for

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[Mr, Kayalam Paramesvaran Pillai.]

such a regulation ceases to exist, Government will only be too glad to remove the Regulation from the Statute Book. It cannot be said that at the present moment the necessity has ceased to exist. That the tone of some newspapers has not improved has already been given expression to by some honourable members. If that is the case now, and if the regulation is withdrawn, those papers will be much more offending than they are at present. If the newspapers improve their tone, and Government are convinced that the improvement is due to inherent causes there will be no difficulty whatever in repeating the regulation. We should not look at this question from a purely theoretical point of view. We must firstly see whether the Regulation imposes any onerous condition on the newspapers, whether it does impose any restraint which any self-respecting journalist cannot submit himself to and if it excludes the judiciary from revieving the orders of Government there is nothing of the sort here. And, Sir, the time has not come yet to repeal the Newspapers Regulation.

Mr. K. R. Elankath : Sir, in reply to those who opposed the resolution, I would only make a few observations. The point which I stressed in commending the resolution to the acceptance of the House, has been either misconstrued or mutilated. Taking a bit of a sentence from my speech the Law Member has exploited my idea to his advantage. Sir, in suggesting means and ways for making a paper cease to exist, I brought to the notice of the House that a newspaper was only representing the opinion of the public and that therefore it had to be controlled by the public and not by an authority which has the power of coercion of suppression. This I said in addition to a fact that the only new clause that is found in the Newspapers Regulation other than those in the penal code or similar clauses as are embodied in the Penal Code is the action that may be taken against the dissemination of false news. That was the point which I stressed more than any other when comparing the clauses embodied in the two regulations and to get remedied the disadvantages of the havoc that may be brought to play upon the public by the dissemination of false news. I said in that connection that the Government should be vigilant to inform the public from time to time of the news which has been falsely represented and the papers that have resorted to it. As a result of such a frequent and habitual contradiction of the news appearing in those papers, those papers will cease to enjoy any public confidence or would not be relied upon by the public and the news in those papers will cease to have any value before the public eye.

LIBRARY ARCHIVES Kerala Legislative Assembly

With regard to another point that I stressed, this law does not touch even the fringe of it. I refer to the point I mentioned concerning a few papers which resort to very low means for their very existence. They defend officers who are corrupt in lieu of some patronage or remuneration at their hands, and at the same time they find fault with other officers including petty clerks and accountants if they do not subscribe to their papers or give them bribes. No paper can be guilty of a more serious offence than this and there is no provision in the Regulation under which this abominable practice can be checked. The only method by which these papers may be made to cease to pursue such a policy is by social boycott or by ostracism. That was the method that I suggested. It is all an utopia, according to the Law Member. But, Sir, we are advancing in civilisation and I do not believe that these things could not be accomplished if there is steady and sufficient improvement in public consciousness and if the Government is vigilant and alert as the public are conscious of their duty.

Sir, one suggestion that I made I will reiterate and that is, if it is found after careful investigation work by the C. I. D. that certain newspapers habitually have resort to such mean methods, as have been referred to it may be openly declared that the comments or criticisms on Government or officers of Government appearing in those newspapers may not be heeded to or valued at all so that the officers of Government may act boldly irrespective of the malicious observations made by them so that they may not fall easy victims to the evil tactics of these papers.

Coming to an observation made by my honourable friend Mr. Govindan that he has not been reading any of the local vernacular papers and has been depending on the outside press for his information, I would only say that his arguments for the existence or the repeal of the regulation will have no weight at all in so far as he has admitted that he is ignorant of the tone or of the tendency of the Press.

Mr. M. Govindan : What about the honourable member's own admission?

Mr. K. R. Elankath : My admission was that there are some papers which even though they commit certain acts which are not contemplated by the regulation still exist and that this regulation is not competent to bring them to book. That was one of my arguments to show the ineffectiveness of the regulation. There are some papers of the description given above. But I do not at all think that the press will be wholesome if as Mr. Govindan observed it is a few persons who want jobs that are editors of papers. It may be a fact to some extent and if that is a fact, I would implore the Government to see that these editors are immediately

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. R. Elankath.]

given jobs so that they may not be allowed to cheat the public any longer.

President : Order, order. That is not relevant to this resolution.

Mr. K. R. Elankath : Sir, in meeting the argument of Mr. Govindan I had to say that. It is my conviction that a non-official who is conscious of his duties as a non-official only can be very good as an officer for he would be loyal and devoted to his duties as an officer if he is entertained in service. A faithless and undevoted non-official if entertained in service may be disloyal and undevoted and may secretly and directly or indirectly enter movements political or social and prove a sore and blacksheep in the official rank and file. Both are equally undependable. My honourable friend Mr. Fletcher who endorsed every word of what I said and of what the seconder and supporters of this motion said, observed that it is only because he feared that delay will cause some inconvenience that such legislation may be justified.

I ask him whether delay in administering justice would be more harmful than committing a wrong on an innocent person?

Mr. James Fletcher : Justice delayed is justice denied.

Mr. K. R. Elankath : That may be. But here it is not a question of denying justice ; it is a question of perpetrating a wrong. If the judgment of the executive cannot be questioned and if final judicial powers are entrusted to their hands I do not see why their decisions could not sometimes be wrong if not very often. Therefore it is the duty of the Government to see that in administering justice time is not an essential factor to be looked into or reckoned with but only the method by which it is administered so that it may not be ultimately denied to anyone.

Sir, in regard to the observations of my friend Mr. Kottoor Kunjukrishna Pillai I would only say that while conceding that it is the public who make the press or are represented by it, there is a duty incumbent on the press also in shaping public opinion. It is not all people who can guide the press. Only the educated people can do it. A large majority of the public are uneducated and hence it is the press or the editors who are generally educated persons that are primarily responsible for shaping public opinion. It is their duty to see that public opinion is sound and well-maintained.

Mr. Govindan observed that there is a larger number of papers in Travancore than we ought to have. My reply is that any number

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of papers will not be too much for this enlightened country. Careful vigilance on the part of disinterested persons over the activities of Government will not be too much and will only serve as a corrective on their actions.

I am not at all convinced by any of the arguments brought forward by the Law Member. He referred to Mysore. He said that our State as well as Mysore can by using the sovereign prerogative take any action against those who are guilty. Yes that is a very sound reason to defend my case. Why should we have this law then? In fact, if an editor is found to be guilty of any serious offence such as for indulging in sedition, there is provision to enact special legislation as it pleases His Highness the Maha Raja. In the face of such prerogative to be exercised on rare occasions if such an one arises, the Newspapers Regulation is absolutely unnecessary. The Law member has endorsed the view of the Mysore Government that newspapers should be a handmaid to Government. He observed that in Mysore the newspapers are conducted to serve the sweet will and pleasure of the Government or in other words that they are slaves of the Government. Therefore, the Law Member wants that the newspapers in Travancore should also be the slaves of Government. (Hear, hear.) I think the Law Member did not mean it seriously.

LIBRARY ARCHIVES Kerala Legislative Assembly

One word more about the curious observations of the Law Member that the more advanced in civilization a State is the more rigorous measures are necessary to control its citizens. If that is the view of Government, then I would appeal to the Government not to waste the 48 lakhs and odd of rupees on education as they do at present but to divert all that amount to the reinforcement and upkeep of the police and the military.

President: There are many countries in the world who think that the more the money spent on the military the more civilised they are. The honourable member may finish his observations.

Mr. K. R. Elankath: My point is that if that is the view of the Law Member, I cannot agree with him. It is better, in that case, to close those of our departments that conduce to the enlightenment and development of the nation and to augment the machinery for exercising brutal force so that the Government may have its own way in everything, they please. With these words, I press the resolution to a division.

The resolution was put and lost.

Mr. Nedumangad R. Kesavan Nair: I demand a poll.

A poll was taken with the following results:

AYES—12.

1	Mr. Kottur Kunjukrishna Pillai	7	Mr. K. K. Kuruvila
2	,, K. R. Elankath	8	,, R. V. Thomas
3	,, Nedumangad R. Kesavan Nair	9	,, T. K. Kittan
4	,, M. S. Anirudhan	10	,, A. Esvara Pillai
5	,, K. M. Korah	11	,, Kochikal P. Balakrishnan Tampi
6	,, N. V. Chacko	12	,, Kallur Narayana Pillai

NOES—17

1	Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	9	Rajyarakshapravina R. C. I. C. I Pitchu Aiyangar
2	Mr. C. O. Madhavan	10	Mr. P. R. Goda Varma Raja
3	Rao Bahadur A. Rengaswami Aiyar	11	,, M. E. Ananthasiva Aiyar
4	Mr. R. Dhanukoti Pillai	12	,, V. S. Arumukham Pillai
5	,, G. B. E. Truscott	13	,, G. Narayana Aiyar
6	,, Kayalam Parameswaran Pillai	14	Mrs. Abernam Gnanasikhamany
7	,, C. Kumara Das.	15	Mr. M. Govindan
8	,, James Simpson	16	,, Eric Hall
		17	,, P. I. Simon

NEUTRALS—4.

1	Mr. James Fletcher	3	Mr. Abdul Tayeb Shaikh Kaderbhoy
2	,, Padiyara Joseph Kunju	4	,, T. Mahomed Ismail

The resolution was declared lost, 12 voting *for* the resolution, 17 *against* and 4 remaining *neutral*.

COMMITTEE TO CHECK CORRUPTION AMONG GOVERNMENT SERVANTS.

Mr. K. R. Elankath: Sir, I have the following resolution,

"This Council recommends to the Government that a secret vigilance committee be appointed directly under the control and supervision of the Dewan with a view to check corruption among Government servants."

Sir, the object of my resolution is to bring to the notice of Government, the fact that there exists corruption in many departments of State and that direct enquiry should be made by the head of the

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